



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

JAYLENE CAMILE O'BRIANT

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

FILMNATION ENTERTAINMENT

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for Employment
Discrimination

Case No.

CV 22-6553
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☒ No
(check one)

DONNELLY, J.

BLOOM, M.J.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	JAYLENE CAMILE O'BRIANT
Street Address	522 FLATBUSH AVE., APT. 2B
City and County	BROOKLYN, KINGS COUNTY
State and Zip Code	NY 11225
Telephone Number	310-213-1426
E-mail Address	camileobriant33@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	FILM NATION ENTERTAINMENT
Job or Title (if known)	
Street Address	150 W. 22ND STREET, 9th FL
City and County	NY, NEW YORK COUNTY
State and Zip Code	NY 10011
Telephone Number	917-484-8918
E-mail Address	acohen@filmnation.com
(if known)	Alison Cohen, General Counsel

Defendant No. 2

Name	
Job or Title (if known)	
Street Address	
City and County	

State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name FILM NATION ENTERTAINMENT
Street Address 150 W. 22ND STREET, 9th FL
City and County NEW YORK, NEW YORK COUNTY
State and Zip Code NEW YORK 10011
Telephone Number 917-484-8918

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐ Other federal law (*specify the federal law*):

☐ Relevant state law (*specify, if known*):

☐ Relevant city or county law (*specify, if known*):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☒ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts (*specify*): _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

NOV. 3, 2021

C. I believe that defendant(s) (*check one*):

- ☐ is/are still committing these acts against me.
☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (*check all that apply and explain*):

- ☐ race _____
☐ color _____
☐ gender/sex _____
☐ religion _____
☐ national origin _____
☐ age. My year of birth is _____. (*Give your year of birth only if you are asserting a claim of age discrimination.*)
☒ disability or perceived disability (*specify disability*)
VACCINATION STATUS, HESITANCY DUE TO TRAUMATIC EVENTS

E. The facts of my case are as follows. Attach additional pages if needed.

PLEASE SEE :

o Addendum

(*Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.*)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

ORIGINALLY FILED 3/17/22. AGAIN AFTER EEOC INTERVIEW ON 7/4/22.

- B. The Equal Employment Opportunity Commission (check one):

☐ has not issued a Notice of Right to Sue letter.

☒ issued a Notice of Right to Sue letter, which I received on (date)
RECEIVED EMAIL FROM EEOC 8/3/22 (see attachment)
RIGHT TO SUE LETTER DATED 7/28/22
(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐ 60 days or more have elapsed.

☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

o LOST WAGES, BONUS, BENEFITS

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/27, 2022

Signature of Plaintiff

Printed Name of Plaintiff


JAYLENE CAMILE O'BRIANT

Jaylene Camile O'Briant

522 Flatbush Avenue, Apt. 2B
Brooklyn, NY 11225
310.213.1426
camileobriant33@gmail.com

October 27, 2022

ADDENDUM: FACTS OF CASE

COMPLAINT : Wrongful Termination, Failure to Engage in an Interactive Process (Accommodate)

On November 3, 2021 (prior to New York State mandates), I was terminated from my position as VP, Operations at FilmNation Entertainment because of my personal choice not to get vaccinated. I had been employed there in good standing since April 25, 2016 with consistent promotions, raises and bonuses. I was promoted from Manager, Operations to Director, Operations and then in May of 2021 to VP, Operations.

In April of 2021, after a discussion with the CEO of the company, Glen Basner, it became evident to me that he held a discriminatory point of view about people who made the choice not to get vaccinated. He commented that "...people that don't get vaccinated are not progressive." This immediately made me feel uncomfortable and I reported this conversation to my direct supervision, Milan Popelka. At this time, I also notified Milan of my own general hesitancy/concerns which impacted my willingness to get vaccinated.

Because of the lack of HR presence at the company, I did not feel safe revealing any more information than necessary to my supervisor—including a personal traumatic history that greatly affected my hesitancy and strengthened my fear/anxiety of being forced to take a vaccination.

I was accommodating with my work schedule—coming in during off hours and on weekends when not working from home. I inquired to see if testing could be an option—which was quickly rebuked by my supervisor. I had consistently demonstrated a willingness to have an open and honest dialogue about alternative methods in which I could have continued to perform my duties up to until the date of my dismissal.

As time progressed from April 2021, I believe a derogatory narrative was constructed and fostered to give reason for my termination when the real reason was a prejudice/discriminatory stance against my personal choice and concerns not to be vaccinated. I was made to feel uncomfortable with increasing aggressive behavior from my supervisor, Milan Popelka. I had been repeatedly asked by him to defend my choice not to get vaccinated and there was a negative tone change in our rapport.

I believe there is evidence to support that I was discriminated against which lead to my dismissal without reasonable interactive discussion or consideration of accommodation.

EEOC Form 161-B (01/2022)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE *(ISSUED ON REQUEST)*

To: **Ms. Camile O'Briant**
522 Flatbush Avenue Apt. 2B
BROOKLYN, NY 11225

From: **New York District Office**
33 Whitehall St, 5th Floor
New York, NY 10004

EEOC Charge No.
520-2022-04319

EEOC Representative
Silvia Deng-Batista,
Federal Investigator

Telephone No.
929-506-5271

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Less than 180 days have elapsed since the filing date. I certify that the Commission's processing of this charge will not be completed within 180 days from the filing date.

The EEOC is terminating its processing of this charge.

Equal Pay Act (EPA): *You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.*

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Digitally Signed By: Judy Keenan
07/28/2022

Enclosures(s)

Judy Keenan
District Director

cc:

From: EEOC no-reply@service.eeoc.gov
Subject: Document Added to EEOC Charge 520-2022-04319
Date: August 3, 2022 at 4:09 PM
To: Ms. Camile O'Briant camileobriant@gmail.com



U.S. Equal Employment Opportunity Commission

A new document was added to EEOC Charge No. 520-2022-04319, Ms. Camile O'Briant v. FilmNation Entertainment. To view it, sign-in to the [EEOC Public Portal](#).

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